

Date: September 11, 2019

To: Councilmember Greg Landsman
From: Paula Boggs Muething, City Solicitor *PBM/awg*
Subject: **Ordinance – Modifying Section 871-9, “Obligations of Landlords and Tenants”**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the provisions of Chapter 871, “Landlord-Tenant Relationships,” of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code, by **AMENDING** Section 871-9, “Obligations of Landlords and Tenants,” to regulate late fees charged to residential tenants for the late payment of rent.

PBM/VT/(jlk)
Attachment
294873

City of Cincinnati

VT PBM/RLG

An Ordinance No. _____ - 2019

MODIFYING the provisions of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code, by **AMENDING** Section 871-9, "Obligations of Landlords and Tenants," to regulate late fees charged to residential tenants for the late payment of rent.

WHEREAS, excessive late fees substantially burden residential tenants, especially tenants with limited and fixed incomes; do not protect the legitimate financial interest of landlords; and lead to unnecessary evictions; and

WHEREAS, the Ohio Revised Code does not regulate fees charged by landlords to residential tenants for late payment of rent; and

WHEREAS, charging excessive late fees that go beyond the administrative cost of a landlord's acceptance of late rent is an unconscionable penalty on residential tenants; now, therefore;

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 871-9, "Obligations of Landlords and Tenants," of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 871-9. – Obligations of Landlords and Tenants.

(a) In every rental agreement there shall be imposed upon the landlord the following obligations to the tenant:

- (1) The landlord shall conform to the "Obligations of Landlords" as set out in Section 5321.04 of the Ohio Revised Code.
- (2) The landlord shall maintain the rental unit in substantial compliance with the provisions applicable to landlords in the Cincinnati - Ohio Basic Building Code, the Cincinnati Fire Prevention Code, and the regulations of the board of health;
- (3) So long as the tenant continues to meet ~~his~~ their obligation under paragraph 871-9(b)(2), no landlord shall raise the agreed rent for the rental unit above the rent charged for comparable rental units, or otherwise increase the obligations

of the tenant in any way, or terminate the tenancy, or bring an action for forcible entry and detainer, in retaliation for the tenant's availing ~~himself~~ themselves of any right or remedy under this chapter or because:

- (A) The tenant has complained in good faith to the landlord or ~~his~~ their agent or employees of conditions in or affecting the tenant's rental unit which ~~he~~ the tenant believes may constitute a violation of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, the regulations of the board of health or any other law.
 - (B) The tenant has complained in good faith to a body charged with the enforcement of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, or the regulations of the board of health, or any other law of a condition in or affecting the rental unit which the tenant believes may constitute a violation of such codes, regulations or other laws; or
 - (C) In response to a complaint of the tenant, the body charged with enforcement of the Cincinnati - Ohio Basic Building Code, the Fire Prevention Code, the regulations of the board of health or any other law has served a notice or complaint of a violation on the landlord, agents, or employees of the landlord.
- (4) Within six months after the occurrence of any event referred to in this paragraph 871-9(a)(3), an action for forcible entry and detainer shall be presumed to be in retaliation for that event and the landlord shall not be entitled to recover possession unless landlord proves by a preponderance of the evidence that:
- (A) The tenant is committing waste, creating a nuisance, using the rental unit for an illegal purpose or for other than living or dwelling purposes, or substantially impairing the quiet enjoyment of the property by the other occupants of the property; or
 - (B) The landlord desires possession of the rental unit for immediate use as landlord's own abode; or
 - (C) The rental unit must be vacated in order to make necessary repairs; or
 - (D) The landlord plans permanently and immediately to remove the rental unit from the rental market.
- (5) The obligations of a tenant under any agreement or under this chapter shall not be modified by this section, but failure of the tenant to perform any obligations other than those specified in paragraphs 871-9(b)(2) and 871-9(a)(4) shall not be grounds for eviction.

(6) Prior to entry into the rental agreement and thereafter upon request by the tenant, the landlord shall provide to the tenant:

(A) A copy of all rules and regulations concerning the use, occupancy and maintenance of the rental unit, appurtenances thereto, and the property of which the rental unit is a part, and

(B) A copy of the "Notice to tenants" set out in paragraph 871-11(a) and shall obtain from the tenant a written acknowledgement by the tenant of receipt of the rules and regulations and the "Notice to tenants" set out in paragraph 871-11(a).

(C) A complete copy of the written rental agreement, if any.

(7) The landlord shall provide the tenant with a signed receipt for the security deposit and all rental payments except for payments made by personal check of the tenant, at the time the security deposit or rental payments are made.

(8) If the rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, the total amount of that late payment fee for any month may not exceed fifty dollars (\$50.00) or five percent (5%) of the monthly contract rent, whichever amount is greater.

(9) The landlord shall not:

(A) Charge interest on a late fee;

(B) Impose a late fee more than one time on a tenant's single late payment of rent; or

(C) Impose a late fee on a tenant for the late payment or nonpayment of any portion of the rent for which a rent subsidy provider, rather than the tenant, is responsible for paying.

(b) In every rental agreement there shall be imposed upon the tenant the following obligations to the landlord:

(1) The tenant shall conform to the "Responsibilities of occupants" as set out in the Cincinnati - Ohio Basic Building Code and to the "Obligations of Tenant" as set out in Section 5321-05 of the Ohio Revised Code.

(2) The tenant shall tender the agreed rent at the agreed time and place, and in the agreed manner except:

(A) When the tenant has made any payment to a utility supplier for utility services to the rental unit which, by the rental agreement, is the obligation

of the landlord, the tenant may deduct the amount of such payments from the rent.

- (B) When the landlord has failed to comply with an order of state or local building, health, or fire officials within the time period specified in the initial order to the landlord, the tenant may make or cause to be made necessary repairs and deduct the reasonable cost thereof, including the cost of all necessary permits, from the rent due and owing in the next two consecutive 30 day rental periods. No tenant shall deduct more than two months' rent for the cost of repairs in any six-month period. No tenant shall undertake repairs without first obtaining the necessary permits from the Department of Buildings and Inspections. All repairs shall be made in compliance with the provisions of the Cincinnati - Ohio Basic Building Code.
 - (C) Whenever the building or a portion of the building of which the rental unit is a part is ordered vacated by governmental authority, the tenant shall vacate the rental unit and the duty of the tenant to pay rent shall be completely abated.
- (3) The tenant shall obey all rules and regulations established by the landlord concerning the use, occupation, and maintenance of the rental unit, appurtenances thereto, and the property of which the unit is a part, if:
- (A) The tenant has acknowledged receipt in writing of a copy of the rules and regulations prior to entry into the rental agreement, or has consented in writing to rules and regulations promulgated after commencement of the rental agreement, and
 - (B) The rules and regulations are reasonably related to the convenience, safety or welfare of the tenants of the property, or to the preservation of the property, or to the fair distribution of services and facilities held out for the tenants generally, and
 - (C) The rules and regulations are sufficiently explicit in their prohibition, direction, or limitation of the tenant's conduct to inform tenant of what must or must not be done to comply.
- (c) Except as specifically provided in Section 871-9 or any other section of this chapter, all obligations of landlords and tenants under this chapter shall be interpreted as independent obligations and the duty of a tenant or landlord to meet the obligations under this chapter shall not be conditioned upon the performance of obligations by the other party to the rental agreement.

Section 2. That existing Section 871-9, "Obligations of Landlords and Tenants" of Chapter 871, "Landlord-Tenant Relationships" of the Cincinnati Municipal Code is hereby repealed.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after 90 days from its passage.

Passed: _____, 2019

John Cranley, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.

Date: September 12, 2019

To: Councilmember Greg Landsman

From: Paula Boggs Muething, City Solicitor *PBM/mwb*

Subject: **Ordinance – Ordaining New Section 26, “Tenant Information Website – City Website”**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the provisions of Article II, “City Manager,” of the Cincinnati Administrative Code by **ORDAINING** new Section 26, “Tenant Information Website – City Website”; and further **AUTHORIZING** the City Manager to take appropriate administrative steps to obtain same-day eviction filing data from the Hamilton County Clerk of Courts, in order to make such data obtained available to service providers partnering with the City of Cincinnati in eviction relief services and eviction prevention initiatives.

PBM/VT/(tr)
Attachment
294872

City of Cincinnati

VT ^{PBM/ALG}

An Ordinance No.

- 2019

MODIFYING the provisions of Article II, "City Manager," of the Cincinnati Administrative Code by **ORDAINING** new Section 26, "Tenant Information Website – City Website"; and further **AUTHORIZING** the City Manager to take appropriate administrative steps to obtain same-day eviction filing data from the Hamilton County Clerk of Courts, in order to make such data obtained available to service providers partnering with the City of Cincinnati in eviction relief services and eviction prevention initiatives.

WHEREAS, the 4% eviction rate in Hamilton County exceeds the national average of 2.3%, and the 8.7% eviction filing rate in Hamilton County exceeds the national average of 6.3%; and

WHEREAS, the City of Cincinnati is engaged in eviction prevention initiatives, including a pilot program offering eviction relief services through St. Vincent DePaul Society to vulnerable, low-income populations in Cincinnati; and

WHEREAS, the City of Cincinnati currently provides free landlord and tenant trainings to the public on a regular basis in an attempt to protect against unnecessary eviction filings; and

WHEREAS, when tenants can access information and referrals to appropriate agencies and community-based organizations, they can often avoid an eviction through the receipt of rental assistance or advocacy; and

WHEREAS, through access to information about their legal rights, tenants' likelihood of being evicted in the future is reduced; and

WHEREAS, pursuant to passage of this ordinance, Council further authorizes the City Manager to take appropriate administrative steps to obtain same-day eviction filing data from the Hamilton County Clerk of Courts, in order to make such data obtained available to service providers partnering with the City of Cincinnati in eviction relief services and eviction prevention initiatives; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, with three-fourths of its members concurring:

Section 1. That a new Section 26, "Tenant Information Website – City Website," of Article II, "City Manager," of the Cincinnati Administrative Code is hereby ordained to read as follows:

Sec. 26 – Tenant Information Webpage – City Website.

- (a) Subject to the availability of necessary appropriations, the city manager is authorized to take all necessary steps to initiate the creation of a residential tenant information webpage on the city's website that includes information regarding (1) residential tenants' rights and responsibilities pursuant to Cincinnati Municipal Code Chapter 871, Ohio Revised Code Chapter 5321, and relevant federal laws applying to residential tenants; and (2) local resources and referral information for tenants, including information regarding any and all eviction relief services offered by the City of Cincinnati.
- (b) Subject to the availability of necessary appropriations, the city manager is authorized to take all necessary steps to ensure that this tenant information webpage allows visitors to download the information provided in a format readily accessible to the public.

Section 2. That, subject to the availability of necessary appropriations, the City Manager is further authorized to make take appropriate administrative steps to obtain same-day eviction filing data from the Hamilton County Clerk of Courts, in order to make such data obtained available to service providers partnering with the City of Cincinnati in eviction relief services and eviction prevention initiatives.


Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2019

John Cranley, Mayor

Attest: _____
Clerk

Date: October 3, 2019

To: Councilmember Greg Landsman
From: Paula Boggs Muething, City Solicitor 
Subject: **Ordinance – Modifying Cincinnati Municipal Code by Ordaining New Section 871-8**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the provisions of Chapter 871, “Landlord-Tenant Relationships.” of Title VIII, “Business Regulations.” of the Cincinnati Municipal Code. by **ORDAINING** new Section 871-8, “Unlawful Entry Prohibited.” to ensure that tenants living in residential rental properties receive adequate notice when property owners intend to enter occupied rental units.

PBM/EEF/(lnk)
Attachment
296630.6

City of Cincinnati

EEF PBA/AWG

An Ordinance No. _____ - 2019

MODIFYING the provisions of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code, by **ORDAINING** new Section 871-8, "Unlawful Entry Prohibited," to ensure that tenants living in residential rental properties receive adequate notice when property owners intend to enter occupied rental units.

WHEREAS, it is often necessary for occupied residential rental units to be inspected by City officials for assessment of housing conditions and code compliance; and

WHEREAS, owners of occupied residential rental units are frequently required to inspect or perform routine maintenance at occupied rental units; and

WHEREAS, tenants living in residential rental units are entitled to reasonable notice in advance of inspections by City officials, property owners, or any other similar situation requiring entry into an occupied rental unit; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new Section 871-8, "Unlawful Entry Prohibited," of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code is hereby ordained as follows:

Sec. 871-8. – Unlawful Entry Prohibited.

- (a) Except in the case of an emergency or if it is impracticable to do so, a landlord shall give a tenant reasonable notice of their intent to enter the leased premises and enter only at reasonable times. Twenty-four (24) hours is presumed to be reasonable notice in the absence of evidence to the contrary.
- (b) If a landlord makes an entry in violation of section (a), makes a lawful entry in an unreasonable manner, or makes repeated demands for entry otherwise lawful that have the effect of harassing the tenant, the tenant is entitled to any or all of the following forms of relief:
 - (1) At the tenant's option, either recovery of actual damages resulting from the entry or demands, or recovery of damages of an amount not less than one-hundred dollars (\$100.00) nor more than one-thousand dollars (\$1,000.00);
 - (2) Injunctive relief to prevent the recurrence of the conduct;

(3) Judgment for reasonable attorney's fees; and

(4) Termination of the rental agreement.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 hereof.

Section 3. That this ordinance shall take effect and be in force from and after 90 days from its passage.

Passed: _____, 2019

Attest: _____
Clerk

John Cranley, Mayor

City of Cincinnati



801 Plum Street, Suite 346B
Cincinnati, Ohio 45202

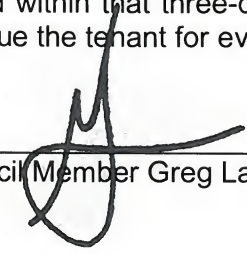
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Greg Landsman
Councilmember

October 21, 2019

MOTION

WE MOVE the Administration and City Manager to provide a report on the feasibility and possible structure and framework of an ordinance incentivizing and/or requiring residential landlords who avail themselves of City subsidy, funding, or tax abatements, to include specific terms in all residential lease contracts at the benefitted property. If permitted under state law, it is Council's desire that the lease terms provide that when a landlord has issued a tenant a three-day notice to leave the premises for non-payment of rent and the tenant then offers the full rent owed within that three-day period, the landlord must accept the rent and cannot proceed to sue the tenant for eviction.



Council Member Greg Landsman

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STATEMENT

Recognizing the challenges under Ohio's landlord-tenant laws of incorporating a broadly applicable 'pay-to-stay' ordinance, Council would like the Administration to evaluate whether the City can properly place such a requirement on residential landlords who avail themselves of City funds, subsidies, and tax abatements. Recognizing that the City and Hamilton County are experiencing an eviction crisis that burdens low-income families with children, it is critical that the City explore all available options to stabilize renting families, and ensure that unnecessary evictions (at issue here, those evictions where all rent due and owed is offered to a landlord) are not filed in Cincinnati.

City of Cincinnati



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Greg Landsman

Councilmember

October 21, 2019

MOTION

WE MOVE that the Administration provide a report confirming that the Department of Building and Inspections can absorb the initial costs of the proposed Residential Rental Inspection pilot program, and that fees associated with the pilot will cover any additional capacity needed. If financial gaps materialize, **WE MOVE** that the Administration include these findings in their report, with recommendations as to how to fill those gaps.



Councilmember Greg Landsman

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_____	_____
_____	_____
_____	_____

OUTCOME SUMMARIES OF EVICTION PREVENTION FUNDS

On January 9, 2019, Cincinnati City Council passed Ordinance No. 4-2019 (the "Ordinance") authorizing one-time funding in the amount of \$227,000 for a pilot program that established Eviction Prevention Initiatives for identified vulnerable populations in Cincinnati and the selection of a social services agency pursuant to this RFP to administer the Eviction Prevention Initiative (EPI) Program. The goal of this program is to reduce eviction rates for financially vulnerable populations in the City of Cincinnati by providing residential rent assistance to low-income tenants at risk for eviction. St. Vincent DePaul was selected to oversee the program which began on July 1, 2019.

An additional fund was set up to assist with West End residents facing eviction as a result of the displacement due to the construction of the stadiums in called the West End Eviction Assistance program. It is funded by TriState Wholesale in the amount of \$176,000 agreement between the Port and Seven Hills Neighborhood Houses (SHNH).

Following are the results to date:

St. Vincent DePaul (for July, August, and September):

Applications received: 540
Households aided by the fund: 97 (18% of the applications we receive)
Children in these households: 154
Amount of assistance provided: \$62,005.86
Average amount of assistance provided: \$639.23
Number of neighborhoods household: 35

Two-month program follow up data

We assisted 40 families in July for the EPI. We attempted to contact them all, but we were able to talk to 30 of them. Of the 30, 28 were still in their homes two month later. One household was evicted, and one household moved out on their own accord. 93% (28/30) of the people we contacted were still in their homes two months later. Out of the 30 contacted, 8 (26%) said that their income had increased.

Seven Hills Neighborhood Houses:

SHNH is working in partnership with St. Vincent DePaul and St. Joseph's church in the West End and have processed 51 applications for eviction assistance.

Applications received: 51
of Children in households: 66
Total spent on Eviction assistance: \$25,812.84
Average per household: \$506.12

TENANT TRAINING ON RIGHTS AND RESPONSIBILITIES

Cincinnati has a massive problem with persistent poverty. Cincinnati is also a city with a significant shortage of quality affordable housing while having one of the country's highest costs of rent compared to income. This leaves tenants vulnerable, especially when they do not know both their rights and responsibilities as renters.

"A major reason for the sizeable share of housing cost-burdened households is that housing costs in the region have increased, while wages have remained stagnant. Rents in Cincinnati are rising at a faster pace than any other major metropolitan area in the Midwest. In fact, the eviction rate in Cincinnati ranks among the 10 highest eviction rates for metropolitan areas across the country. Sixty-one percent of Black renter households are housing cost-burdened, as are 39 percent of Black homeowner households".

(Randy Tucker, "Been Evicted? You Have a lot of Company. Study Finds Cincinnati Area Has High Eviction Rate, Driven By Escalating Rents and Poverty," Cincinnati Enquirer, October 26, 2017,

<https://www.cincinnati.com/story/money/2017/10/26/escalating-rents-and-widespread-poverty-pushed-cincinnati-into-top-10-metro-areas-were-residents-fac/798150001/>.

Sarah Holder, "Where Evictions Hurt the Most," CityLab, October 30, 2017, <https://www.citylab.com/equity/2017/10/where-evictions-hurt-the-most/544238/>.)

In the fall of 2018, the discussion began to develop a training for tenants that complements the training that Building & Inspections does for owners of rental property. Following are the results of the trainings to date:

2019 Trainings

Five of the six scheduled trainings have been conducted thus far.

80 people have been in attendance.

Three additional trainings were conducted per the request several community organizations with a total of 30 people attending.

St Vincent De Paul has been registered individuals that receive rent assistance for the training.

The final training for 2019 is scheduled for Wednesday, October 23 at the Seven Hills Neighborhood Houses.

Looking Ahead to 2020

The Hamilton County Library has agreed to partner with the City to host and market both the Tenant and Landlord Trainings in 2020. The schedule should be available to share in the next week or two.